

SECOND REGULAR SESSION

HOUSE BILL NO. 2543

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE O'DONNELL.

4671H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 41.890, 173.1150, 173.1153, and 173.1155, RSMo, and to enact in lieu thereof three new sections relating to tuition for military personnel and dependents.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 41.890, 173.1150, 173.1153, and 173.1155, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 41.890, 173.1150, and
3 173.1153, to read as follows:

41.890. 1. As used in this section, the following terms mean:

2 (1) "Eligible dependent", any person who meets the definition of "eligible
3 dependent" in 38 U.S.C. Section 3319, as amended, or "eligible person" as defined in 38
4 U.S.C. Section 3501, as amended;

5 (2) "Medal of Honor recipient", a person who has been awarded the Medal of
6 Honor as such award is defined in 10 U.S.C. Section 7271, as amended;

7 (3) "Military personnel", any individual in active military service in:

8 (a) Any branch of the Armed Forces of the United States;

9 (b) Any reserve component of the Armed Forces of the United States;

10 (c) The National Guard of any state as defined in 32 U.S.C. Section 101, as
11 amended; or

12 (d) Any defense force of this state as described in 32 U.S.C. Section 109, as
13 amended.

14 2. For the purposes of student resident status, military personnel, ~~[when stationed~~
15 ~~within the state under military orders, their spouses, and their]~~ and the spouse and
16 unemancipated children under twenty-four years of age of such military personnel when

EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 stationed within Missouri under military order, who ~~[enroll in a]~~ are accepted for
18 admission by any degree program, training program, or course of instruction, whether
19 such program or course is an undergraduate or graduate program or course and is
20 offered in the classroom, online, or by a hybrid of both, at any Missouri community
21 college, Missouri college, or Missouri state university shall be regarded as holding Missouri
22 resident status.

23 **3. A military personnel's eligible dependent who does not meet the qualifications**
24 **for a spouse or an unemancipated child described in subsection 2 of this section shall be**
25 **regarded as holding Missouri resident status under this section after such eligible**
26 **dependent uses eighteen months of entitlements transferred under 38 U.S.C. Section**
27 **3319, as amended, from such military personnel to such eligible dependent or eighteen**
28 **months of educational assistance received under 38 U.S.C. Sections 3500 to 3566, as**
29 **amended, at any Missouri institution of higher education listed in subsection 2 of this**
30 **section. The attainment of Missouri resident status under this subsection shall**
31 **terminate upon such eligible dependent's completion of such degree program, training**
32 **program, or course of instruction.**

33 **4. Any Medal of Honor recipient's dependent, as "dependent" is defined in 10**
34 **U.S.C. Section 1072, as amended, shall be regarded as holding Missouri resident status**
35 **for student resident status under this section. The attainment of Missouri resident**
36 **status for student resident status under this subsection shall terminate upon such**
37 **eligible dependent's completion of such degree program, training program, or course of**
38 **instruction.**

39 **5. Each spouse, unemancipated child, eligible dependent, or Medal of Honor**
40 **recipient's dependent, as such individuals are described in this section, shall be afforded**
41 **the same educational benefits as any other individual receiving in-state tuition.**

173.1150. 1. As used in this section, the following terms mean:

- 2 **(1) "Active military service", active service in:**
3 **(a) Any branch of the Armed Forces of the United States;**
4 **(b) Any reserve component of the Armed Forces of the United States;**
5 **(c) The National Guard of this state as defined in 32 U.S.C. Section 101, as**
6 **amended; or**
7 **(d) Any defense force of this state as described in 32 U.S.C. Section 109, as**
8 **amended;**
9 **(2) "Eligible dependent", any person who meets the definition of "eligible**
10 **dependent" in 38 U.S.C. Section 3319, as amended, or "eligible person" as defined in 38**
11 **U.S.C. Section 3501, as amended.**

12 2. Notwithstanding any provision of law to the contrary, any individual who **was**
13 **honorably discharged or separated from active military service or who** is in the process
14 of separating from ~~[any branch of the military forces of the United States]~~ **active military**
15 **service** with an honorable discharge or a general discharge shall have student resident status
16 for purposes of admission and in-state tuition at any approved public four-year institution in
17 Missouri or in-state, in-district tuition at any approved two-year institution in Missouri.

18 ~~[2. To be eligible for student resident status under this section, any such individual~~
19 ~~shall demonstrate presence and declare residency within the state of Missouri. For purposes~~
20 ~~of attending a community college, an individual shall demonstrate presence and declare~~
21 ~~residency within the taxing district of the community college he or she attends.]~~

22 3. **An eligible dependent of an individual who was honorably discharged or**
23 **separated from active military service or who is in the process of separating from active**
24 **military service as described in this section shall have student resident status for**
25 **purposes of admission and in-state tuition as provided in this section. Before a**
26 **nonresident eligible dependent of such individual attains student resident status under**
27 **this subsection, such nonresident eligible dependent shall use eighteen months of**
28 **entitlements transferred under 38 U.S.C. Section 3319, as amended, from such**
29 **individual to such nonresident eligible dependent or eighteen months of educational**
30 **assistance received under 38 U.S.C. Sections 3500 to 3566, as amended, at any Missouri**
31 **institution of higher education listed in subsection 2 of this section. The attainment of**
32 **Missouri resident status under this subsection shall terminate upon such nonresident**
33 **eligible dependent's completion of such degree program, training program, or course of**
34 **instruction.**

35 ~~[3.]~~ 4. The coordinating board for higher education shall promulgate rules to
36 implement this section.

37 ~~[4.]~~ 5. For purposes of this section, "approved public institution" shall have the same
38 meaning as provided in subdivision (3) of subsection 1 of section 173.1102.

39 ~~[5.]~~ 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
40 created under the authority delegated in this section shall become effective only if it complies
41 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.
42 This section and chapter 536 are nonseverable and if any of the powers vested with the
43 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
44 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
45 rulemaking authority and any rule proposed or adopted after August 28, 2013, shall be invalid
46 and void.

173.1153. 1. Notwithstanding any provision of law to the contrary, any individual
2 who is currently serving in the ~~[Missouri]~~ **National Guard of any state** or in a reserve

3 component of the Armed Forces of the United States shall be deemed to be domiciled in this
4 state for purposes of eligibility for in-state tuition at any approved public institution in
5 Missouri.

6 2. ~~[To be eligible for in-state tuition under this section, any such individual shall~~
7 ~~demonstrate presence within the state of Missouri. For purposes of attending a community~~
8 ~~college, an individual shall demonstrate presence within the taxing district of the community~~
9 ~~college he or she attends.~~

10 3-] If any such individual is eligible to receive financial assistance under any other
11 federal or state student aid program, public or private, the full amount of such aid shall be
12 reported to the coordinating board for higher education by the institution and the individual.
13 The tuition limitation under this section shall be provided after all other federal and state aid
14 for which the individual is eligible has been applied, and no individual shall receive more
15 than the actual cost of attendance when the limitation is combined with other aid made
16 available to such individual.

17 3. (1) As used in this subsection, the term "eligible dependent" means any
18 person who meets the definition of "eligible dependent" in 38 U.S.C. Section 3319, as
19 amended, or "eligible person" as defined in 38 U.S.C. Section 3501, as amended.

20 (2) An eligible dependent of an individual who is currently serving in the
21 National Guard of any state or in a reserve component of the Armed Forces of the
22 United States shall be deemed to be domiciled in this state for purposes of eligibility for
23 in-state tuition at any approved public institution in Missouri. Before a nonresident
24 eligible dependent of such individual attains student resident status under this
25 subsection, such nonresident eligible dependent shall use eighteen months of
26 entitlements transferred under 38 U.S.C. Section 3319, as amended, from such
27 individual to such nonresident eligible dependent or eighteen months of educational
28 assistance received under 38 U.S.C. Sections 3500 to 3566, as amended, at any approved
29 public institution in Missouri listed in subsection 2 of this section. The attainment of
30 Missouri resident status under this subsection shall terminate upon such nonresident
31 eligible dependent's completion of such degree program, training program, or course of
32 instruction.

33 4. The coordinating board for higher education shall promulgate rules to implement
34 this section.

35 5. For purposes of this section, "approved public institution" shall have the same
36 meaning as provided in subdivision (3) of subsection 1 of section 173.1102.

37 6. Any rule or portion of a rule, as that term is defined in section 536.010, that is
38 created under the authority delegated in this section shall become effective only if it complies
39 with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028.

40 This section and chapter 536 are nonseverable and if any of the powers vested with the
41 general assembly pursuant to chapter 536 to review, to delay the effective date, or to
42 disapprove and annul a rule are subsequently held unconstitutional, then the grant of
43 rulemaking authority and any rule proposed or adopted after August 28, 2016, shall be invalid
44 and void.

2 ~~[173.1155. Notwithstanding any other provision of law, all~~
3 ~~dependents, as defined by 37 U.S.C. Section 401, of active duty military~~
4 ~~personnel, or activated or temporarily mobilized reservists or guard members,~~
5 ~~assigned to a permanent duty station or workplace geographically located in~~
6 ~~this state, who reside in this state, shall be deemed to be domiciled in this state~~
7 ~~for purposes of eligibility for in-state tuition and shall be eligible to receive in-~~
8 ~~state tuition at public institutions of higher education in this state. The~~
9 ~~determination of eligibility for in-state tuition shall be made at the time the~~
10 ~~dependent is accepted for admission by the institution. All such dependents~~
11 ~~shall be afforded the same educational benefits as any other individual~~
12 ~~receiving in-state tuition so long as he or she is continuously enrolled in an~~
13 ~~undergraduate or graduate degree program of an institution of higher education~~
14 ~~in Missouri, or transferring between Missouri institutions of higher education~~
~~or from an undergraduate degree program to a graduate degree program.]~~

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